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11 EDGAR RAFAEL NAVARRO-CHAVOYA

12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
vs.  
EDGAR RAFAEL NAVARRO-  
CHAVOYA,  
Defendant.

Case No. 1:21-cr-00314-NONE-SKO-1

**STIPULATION TO CONTINUE STATUS  
CONFERENCE AND TO EXCLUDE TIME;  
[PROPOSED] ORDER**

(Doc. 14)

17 IT IS HEREBY STIPULATED by and between the parties through their respective  
18 counsel, Assistant United States Attorney Laura Withers, counsel for plaintiff, and Assistant  
19 Federal Defender Erin Snider, counsel for Edgar Rafael Navarro-Chavoya, that the status  
20 conference currently scheduled for February 7, 2022, at 9:30 a.m. may be continued to February  
21 11, 2022, at 9:30 a.m.

22 On December 22, 2021, Mr. Navarro-Chavoya appeared before Judge Sheila K. Oberto  
23 for an arraignment on an indictment charging him with a violation of 8 U.S.C. § 1326. At the  
24 arraignment, the parties notified Judge Oberto that the government had identified the case as  
25 being eligible for the government's early disposition program (also as the fast-track program).  
26 Accordingly, Judge Oberto set a status conference for February 7, 2022, before the District  
27 Court, with the intention that the hearing would become a plea and sentencing if Mr. Navarro-  
28 Chavoya were to accept the government's plea offer. Pursuant to 18 U.S.C. § 3161(h)(7)(A) and

1 (B), Judge Oberto excluded time under the Speedy Trial Act from December 21, 2021, to  
2 February 7, 2022, for the purposes of defense investigation, preparation, and plea negotiations.

3 On January 6, 2022, the Court entered a Minute Order continuing the status conference  
4 from February 7, 2022, to February 11, 2022, at 9:30 a.m. The Court directed the parties to  
5 prepare a stipulation to address time exclusion through February 11, 2022.

6 The parties' respectfully request that the Court find the period from February 7, 2022, to  
7 February 11, 2022, excludable under the Speedy Trial Act. To date, the government has provided  
8 575 pages of discovery to defense counsel. Defense counsel is continuing to review that  
9 discovery and has already identified investigation that must conducted, including gathering state  
10 court records. Moreover, due to the current pandemic, Mr. Navarro-Chavoya's continued  
11 detention at the Fresno County Jail, and the need for an interpreter, defense counsel requires  
12 additional time to communicate with her client regarding discovery and the government's plea  
13 offer. The government has no objection to the requested continuance.

14 Based on the above-stated findings, the ends of justice served by continuing the case as  
15 requested outweigh the interest of the public and the defendant in a trial within the original date  
16 prescribed by the Speedy Trial Act. For the purpose of computing time under the Speedy Trial  
17 Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 7,  
18 2022, to February 11, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §§  
19 3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by  
20 the Court at defendant's request on the basis of the Court's finding that the ends of justice served  
21 by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

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Respectfully submitted,

PHILLIP A. TALBERT  
United States Attorney

Date: January 10, 2022

/s/ Laura Withers  
LAURA WITHERS  
Assistant United States Attorney  
Attorney for Plaintiff

**HEATHER E. WILLIAMS**  
Federal Defender

Date: January 10, 2022

*/s/ Erin Snider*  
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**ERIN SNIDER**  
Assistant Federal Defender  
Attorney for Defendant  
**EDGAR RAFAEL NAVARRO-CHAVOY**

## ORDER

**IT IS SO ORDERED.** The period from February 7, 2022, to February 11, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. The status conference currently scheduled for February 7, 2022, at 9:30 a.m. is hereby continued to February 11, 2022, at 9:30 a.m.

IT IS SO ORDERED.

Dated: **January 11, 2022**

Jennifer L. Thurston  
UNITED STATES DISTRICT JUDGE